

REMARKS

The Office Action dated January 3, 2011 (hereinafter “Office Action”), has been received and reviewed. Claims 12, 19-21, 24, 29, and 30 are amended herein. Claims 18, 22, 26-28, and 31-35 are cancelled herein. Thus, claims 1-17, 19-21, 23-25, 29, and 30 remain pending. Reconsideration of the present Application and allowance of the claims is respectfully requested.

Allowable Subject Matter

The Office indicated that claims 28 and 29, if re-written into independent form, recite patentable subject matter. Applicants have amended independent claim 24 to recite the features of claims 26, 27, and 28. Claims 29 and 30 have been amended to depend properly from claim 24. Thus, Applicants respectfully submit that claims 24, 25, 29, and 30 are now allowable.

Rejections under 35 U.S.C. § 103

Claims 1-10, 12, 13, 15, 17-27, and 30-34 were rejected as obvious over Park (U.S. 7,151,756) in view of Luz (U.S. 2004/002265). Claim 11 was rejected as obvious over Park in view of Malladi (U.S. 2004/0203985). Claim 14 was rejected as obvious over Park in view of Chaudry (U.S. 2009/0098877). Claim 16 was rejected as obvious over Park in view of Fukui (U.S. 5,920,563). Claim 35 was rejected as obvious over Park in view of are rejected over that combination in view of Gallagher (U.S. 2008/0108319). The rejections of claims that have been cancelled are respectfully considered moot. The remaining rejections are respectfully traversed based, at least in part, on the following remarks.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). When judging all words in the claims against Park and Luz, the references appear to lack certain features for which they are cited in the rejection of independent claim 1. The Office relies on Park for the feature of “determining if the measured power of the receive signal has a value lower than a preset threshold value.” However, in Park, the measured power is compared against the currently measured signals received from other base stations. *See, e.g.*, col. 4, ll. 35-42. Because this is not a preset threshold value, but rather changing values, the feature is absent in Park. Luz fails to remedy

this deficiency. For at least this reason, claim 1 is not taught, suggested, or rendered obvious by Park or Luz, alone or in combination.

Likewise, Park is cited for “determining if a state in which the measured power of the received signal has a value lower than a preset threshold value is maintained during a predetermined time interval.” The feature Park appears to actually disclose is a delay after reception of a handover message, not a time interval during which the sub-threshold power reading remains in effect. *See, e.g.*, col. 5, ll. 7-11. Luz fails to remedy this deficiency. Again, the recited feature of claim 1 is absent in Park or Luz, alone or in combination. For at least this reason, claim 1 is not taught, suggested, or rendered obvious by Park or Luz, alone or in combination.

The Office relies on Luz for “determining if a traffic state of an asynchronous mode call has ended or not” as recited in element (5) of claim 1. Instead of this feature, though, the citation teaches detection of operability according to a particular protocol. *See, e.g.*, paragraph [0021]. Thus, the traffic state is not taught or suggested. The feature of “determining if a radio link with the asynchronous mobile communication network has been released or not” is purportedly taught by the same paragraph of Luz. However, the cited paragraph discusses determinations of increased throughput in the network or increased capabilities of the device itself. Thus, there is no teaching, suggestion, or rendering obvious of determination regarding a call ending or a radio link being released. Park fails to remedy this deficiency. Again, the recited feature of claim 1 is absent in Park or Luz, alone or in combination. For at least this reason, claim 1 is not taught, suggested, or rendered obvious by Park or Luz, alone or in combination.

Independent claim 4 is not rendered obvious for substantially similar reasons as given for claim 1 above. Claim 12 has been amended to more particularly recite its features, but is not rendered obvious for substantially similar reasons as given for claim 1 above. Claim 19, which is amended to incorporate the features of claim 22, is not rendered obvious for substantially similar reasons.

“The Office action should clearly communicate the Office’s findings and conclusions, articulating how the conclusions are supported by the findings.” MPEP § 2141. Applicants have been unable to locate where the features of claim 15 have been addressed by the Examiner. Thus, Applicants respectfully request clarification as to where in the prior art these features are purportedly taught, suggested, or rendered obvious.

“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03 citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.

Cir. 1988). The dependent claims are allowable at least based on their dependence on allowable independent claims.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present Application is in condition for allowance and a Notice to that effect is earnestly solicited. The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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